

1 BoxInterferences@uspto.gov
2 Telephone: 571-272-4683

Paper 41
Entered: 25 September 2007

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4 UNITED STATES PATENT AND TRADEMARK OFFICE
5 BOARD OF PATENT APPEALS AND INTERFERENCES
6

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8 Patent Interference 105,563 McK
9 Technology Center 2100
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12 MICHAEL D. DOYLE, DAVID C. MARTIN
13 and CHEONG S. ANG,
14

15 Patent 5,838,906,
16 Junior Party,
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18 v.
19

20 SRIVINASA R. KOPPOLU, C. DOUGLAS HODGES,
21 BARRY B. MacKICHAN, RICHARD McDANIEL,
22 RAO V. REMALA and ANTONY S. WILLIAMS,
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24 Application 09/442,070,
25 Senior Party.
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28 *Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and*
29 *RICHARD E. SCHAFER and JAMES T. MOORE, Administrative Patent*
30 *Judges.*

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32 *McKELVEY, Senior Administrative Patent Judge.*

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34 **JUDGMENT**

35 Upon consideration of KOPPOLU REQUEST FOR ADVERSE

36 JUDGMENT (Paper 39), it is

37 ORDERDED that judgment on priority as to Counts 1 and 2
38 (the only counts in the interference; Paper 1, pages 9 and 13) is awarded

1 against Senior Party SRINIVASA R. KOPPOLU, C. DOUGLAS HODGES,
2 BARRY B. MacKICHAN, RICHARD McDANIEL, RAO V. REMALA and
3 ANTONY S. WILLIAMS.

4 FURTHER ORDERED that Senior Party SRINIVASA R.
5 KOPPOLU, C. DOUGLAS HODGES, BARRY B. MacKICHAN,
6 RICHARD McDANIEL, RAO V. REMALA and ANTONY S. WILLIAMS
7 is not entitled to a patent containing claims 40-44 and 50 (corresponding to
8 Count 1) or claims 45-49 (corresponding to Count 2) of:

9 application 09/442,070,
10 filed 16 November 1999
11 to reissue U.S. Patent 5,801,701,
12 issued 01 September 1998.

13 FURTHER ORDERED that KOPPOLU MOTION 2 (for
14 judgment based on alleged inequitable conduct on the part of Doyle)
15 (Paper 35) is *dismissed* as moot.

16 FURTHER ORDERED that if there is any further settlement
17 agreement in addition to the agreement already made of record, attention is
18 directed to 35 U.S.C. § 135(c).

19 FURTHER ORDERED that a copy of this JUDGMENT shall
20 be placed in the files of (1) Doyle U.S. Patent 5,838,906, (2) Koppulo U.S.
21 Patent 5,801,701, and (3) Koppulo reissue application 09/442,070.

22 FURTHER ORDERED that the Clerk is directed to distribute
23 the files upon entry of this JUDGMENT.

1 cc (via Electronic mail):

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3 Attorney for Doyle

4 (real party in interest

5 The Regents of the University of California):

6

7 Barry E. Bretschneider, Esq.

8 Peter J. Davis, Esq.

9 MORRISON & FOERSTER LLP

10 1650 Tysons Boulevard, Suite 400

11 McLean, VA 22102

12

13 Tel: 703-760-7743 (Bretschneider)

14 Tel: 703-760-7748 (Davis)

15 Fax: 703-760-7777

16 Email: bbretschneider@mofo.com

17 Email: pdavis@mofo.com

18

19 Attorney for Koppolu

20 (real party in interest Microsoft Corporation.):

21

22 R. Danny Huntington, Esq.

23 BINGHAM McCUTCHEN LLP

24 2020 K Street, N.W.

25 Washington, D.C. 20006

26

27 Tel: 202-373-6000

28 Fax: 202-373-6001

29 Email: danny.huntington@bingham.com

30

31 John B. Conklin, Esq.

32 LEYDIG, VOIT & MAYER, LTD

33 Two Prudential Plaza

34 Suite 4900

35 Chicago, IL 60601-6731

36

37 Tel: 312-616-5600

38 Fax: 312-616-5700

39 Email: jconklin@leydig.com